

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

THEODORA A. MOSS,

Petitioner,

v.

CASE NO. 2:07-CV-14933  
HONORABLE PATRICK J. DUGGAN

JERI-ANN SHERRY,

Respondent.

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**ORDER DENYING RECONSIDERATION AND DENYING  
PETITIONER'S MOTION FOR APPOINTMENT OF COUNSEL**

At a session of said Court, held in the U.S.  
District Courthouse, Eastern District  
of Michigan July 18, 2008.

PRESENT: THE HONORABLE PATRICK J. DUGGAN  
U.S. DISTRICT COURT JUDGE

The Court has before it Petitioner's reply to Respondent's Answer to the petition for writ of habeas corpus and his motion for appointment of counsel, both of which were received following the Court's dismissal of the habeas petition for failure to comply with the one-year statute of limitations applicable to federal habeas actions. *See* 28 U.S.C. § 2244(d).

The Court construes Petitioner's response to the answer as a request for reconsideration of the Court's dismissal of the petition. However, a motion for reconsideration which presents issues already ruled upon by the court, either expressly or

by reasonable implication, will not be granted. *See Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999); *Czajkowski v. Tindall & Assoc., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997). Petitioner has not met his burden of showing a palpable defect by which the Court has been misled or his burden of showing that a different disposition must result from a correction thereof, as required by Local Rule 7.1(g)(3). The Court did not err in dismissing the habeas petition as time-barred. Accordingly, the Court **DENIES** Petitioner's request for reconsideration. Given this determination, the Court also **DENIES** Petitioner's motion for appointment of counsel. This case is closed.

**IT IS SO ORDERED.**

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

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